

## **REMARKS**

This Amendment is submitted in response to the December 20, 2005 Final Office Action issued in connection with the above-identified patent application. This response is filed within two-months of the mailing date of this Final Action (the two-month date falling on a holiday). It is respectfully requested that the Examiner review and consider the foregoing amendments in view of the following remarks.

The pending claims are as shown in the listing of the claims submitted with the September 26, 2005 Amendment filed in connection with the above-identified patent application. In that Amendment, claims 1 and 2 were amended to recite that the substantially rigid thimble of the present invention is adapted to extend up over the first knuckle position "about its full circumference". In the Remarks section of the September 26, 2005 Amendment, arguments were provided which distinguish the thimble from Lambert (U.S. Patent No. 5,609,165) and Lee (U.S. Patent No. 3,531,029).

In the Final Office Action, the Examiner has refused entry of the "about its full circumference" claim amendments because "there is no written description support in the specification as required by 35 U.S.C. 112, first paragraph". Thus, "the amended language is considered new matter and the claims remain rejected as provided in the first Office Action." In other words, the claims remain rejected as allegedly anticipated by Lambert (claims 1, 2, 4 and 7-12), and Lee (claims 1, 3, 5 and 6).

Upon receipt of the Final Office Action, the undersigned contacted the Examiner by telephone to discuss the Examiner's "new matter" rejection. During that phone call, the undersigned pointed out to the Examiner that figure 3 of the subject application -- which is described on page 6 of the specification as "a transverse cross section through A-A' of the thimble

of figure 1 -- depicts the thimble as having a "full circumference" at a position which would be over the first knuckle of a user when worn in the intended manner. The undersigned also discussed with the Examiner that this "about its full circumference" limitation was not disclosed in either Lambert and Lee and, therefore, if the claims were entitled to be amended in this manner, the Lambert and Lee rejections based on anticipation would be overcome. The Examiner agreed and requested that the specification be amended to include a "written description" of figure 3 to recite the "about its full circumference" feature, thus complying with the written description requirement of 35 U.S.C. 112, first paragraph. This feature is not disclosed in either Lambert or Lee for the reasons set forth in the September 26, 2005 Amendment.

Moreover, neither Lambert nor Lee suggests the "about is full circumference" limitation. For example, Lee teaches away from a thimble that extends below the first knuckle position about its full circumference because Lee provides for flexibility of the thimble walls to accommodate fingers of different thicknesses. In other words, and as shown in figures 4 and 5 of Lee, the thimble walls are not continuous but rather, have a gap to allow expansion of the thimble circumference to accommodate different finger sizes. In contrast, the thimble having walls extending about its full circumference, as is now recited in the claims, does not allow for expansion, as is required by Lee.

As for the Lambert reference, and as already explained in the prior Amendment, the thimble of Lambert is designed so that, when worn, "the finger may be bent to a limited extent". See col. 1, lines 45-49 and claim 1. This teaches away from the rigid thimble as claimed.

For all of the foregoing reasons, it is believed that the application is now in condition for immediate allowance.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By



Edward M. Weisz

Reg. No. 37,257

551 Fifth Avenue, Suite 1210

New York, New York 10176

(212) 687-2770

Dated: February 21, 2006